

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3142
Author:	Marie Cann-Livingstone
Department:	Children and Adults
Contact:	Marie Cann-Livingstone (Job Title: Teenage Pregnancy & Early Intervention Specialist, Email: marie.cann-livingstone@nottinghamcity.gov.uk, Phone: 0115 8763511)
Subject:	Fostering Advice & Mediation Service and Inter country Adoption Service
Total Value:	£167,909.54 (Type: Revenue)
Decision Being Taken:	<ol style="list-style-type: none">1. To approve funding for the extension of the statutory Fostering Advice and Mediation Service for a 3 year period with an option to extend for 2 years, at a cost of £21,422 per annum. (Contract value for 5 years being £107,110).2. To approve funding for the extension of the statutory Inter-Country Adoption Service for a 3 year period with an option to extend for 2 years at a cost of £5,000 per annum. (Contract value for 5 years being £25,000).3. To approve funding for Fostering Organisations membership renewal for a 3 year period at a cost of £3,101.18 per annum and Fostering Household membership renewal at a cost of £46 per household per year (Contract value for 3 years (based on current numbers) being £35,799.54)4. To grant dispensation from Contract Procedure Rule 5.1.1 and 5.1.2 in accordance with Financial Regulation 3.29, to directly award contracts for the delivery of Fostering Advice and Mediation Service and the Inter-Country Adoption Service for 3 years with an option to extend for a further 2 years. <p>The total value of this decision over 5 years is £167,909.54</p>

Reasons for the Decision(s)

- 1. The Fostering Advice and Mediation Service is a specialist service delivering our statutory duty to provide independent and confidential support and advice to both current and former foster carers in relation to allegations or suspicion of harm.**
 - 2. The Inter-Country Adoption Service is a statutory service to provide support to those who wish to adopt a child from abroad. It is considered to be far more cost effective for the local authority if the service is delivered by a specialist agency.**
 - 3. Fostering Organisations membership is two fold - it offers both practical support and guidance to the Nottingham City Fostering Team and also provides Nottingham City Foster Carers with legal protection, an advice helpline and access to an online network which offers peer support from across the UK.**
- Both of the existing services are considered to be of high quality and have a record of good performance. The services handle issues raised with an appropriate, even-handed approach ensuring fairness. The extension of these contracts will ensure continuity for Foster Carers currently in the middle of a process. There is a limited market for the provision of these services and the associated annual contract values are low providing value for money. Both providers hold a number of contracts with other authorities for the same service.**

Other Options Considered:

- 1. Do nothing: The current contracts are due to expire in March 2018. Each service responds to a separate statutory requirement of the Council so action is required in advance of the contracts coming to an end.**
- 2. To deliver Inter-Country Adoption Service in house: This service requires up to date knowledge and expertise of adoption processes for different countries around the world. The value of this contract is considered to be excellent value for money. In order to recruit in house, we would need to ensure this knowledge through training which could significantly increase the cost of this service.**
- 3. To procure Advice and Mediation services through a competitive tender process: There is a limited market in this field and the impartial and highly professional nature of the service delivered by Fostering Networks is held in high esteem both locally and nationally. Fostering Networks have an excellent track record of interventions that have prevented lengthy mechanisms or risked potentially damaging and costly processes. They are able to respond to both local and out of area requirements providing a value for money service. In consideration of the potential total value of the contract, together with the current limited market in this field, to conduct a procurement exercise would not be in the best interest of the Council and its statutory obligation at this time.**
- 4. To procure Inter- Country Adoption service through a competitive tender process: Due to the specialist nature of the service and the low value of this contract it is considered that a lengthy and costly procurement process would be disproportionate at this time.**
- 5. To not renew Fostering Organisations membership: This option was rejected as the membership covers the Council in complaints framework and independent review mechanism. The Council can then demonstrate in OFSTED inspections that additional independent support is being offered to local Foster Carers.**

Background Papers:

Published Works:

Affected Wards:

Citywide

Colleague / Councillor Interests:

Cllr Mellen was originally the signatory but has declared an interest due an acquaintance who works for one of these organisations. Therefore, Cllr Chapman will be providing formal approval.

Dispensation from Financial Regulations:

Yes

Consultations:

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:

None.

Equality:

EIA not required. Reasons: The decision is for continuation of existing services.

Decision Type:

Portfolio Holder

Subject to Call In:

Yes

Call In Expiry date:

08/05/2018

Advice Sought:

Legal, Finance, Procurement

Legal Advice:

The Council may grant a dispensation from its Contract Procedure Rules for operational reasons. The reasons as to why it is not considered beneficial to conduct a procurement process have been set out by the report author. On the basis of the contracts being below threshold for the purpose of Regulation 74 Public Contracts Regulations 2015 and s are considered essential in assisting the Council to meet its statutory requirements, the recommendations raise no significant legal concerns and are supported on this occasion.

Advice provided by Naomi Vass (Senior Solicitor) on 01/02/2018.

Finance Advice:

The decision to approve funding for the provision of the Fostering Advice & Mediation Service and Inter Country Adoption Service enables the Authority to deliver their statutory duties.

The contract is for a 3 year period with an option to extend for 2 years.

The annual costs is £37,914 per annum, assuming the contract is fixed despite changes to households.

The total value of this decision is £189,572.85.

As the services are statutory, the costs will be met through NCC funding and strategic programmes.

This proposal seeks dispensation from Contract Procedure rules (5.1.1 & 5.1.2) in accordance with Financial Regulation 3.29, and is appropriate in these circumstances.

Advice provided by Christine Green (Senior Commercial Business Partner) on 09/02/2018.

Procurement Advice:

The decision to grant dispensation from Contract Procedure Rule 5.1.1 and 5.1.2 in accordance with Financial Regulation 3.29, to directly award contracts for the delivery of the Fostering Advice and Mediation Service and the Inter-Country Adoption Service for 3 years with an option to extend for a further 2 years is supported by Procurement. The value of the contracts are significantly below the threshold for application of the EU Light Touch Regime. Procurement have been involved in discussions leading to this decision and are satisfied that the grounds provided for these direct contract awards are justified.

Advice provided by Nicola Harrison (Procurement Lead Officer) on 26/01/2018. Advice provided by Nicola Harrison (Procurement Lead Officer) on 26/01/2018.

Signatures

Graham Chapman (PH for Resources and Neighbourhood Regeneration)
SIGNED and Dated: 17/04/2018
Helen Blackman (Director of Children's Social Care)
SIGNED and Dated: 30/04/2018
Laura Pattman (Strategic Director of Finance) - Dispensation from Financial Regulations
SIGNED and Dated: 20/03/2018
Chief Finance Officer's Comments: